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Attorneys for Defendant
WILSON LEE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILSON LEE,

Defendant.

Case No. 6:20-po-00620-HBK

**JOINT MOTION TO RESCIND FEES FOR
NON-APPEARANCE**

The parties, through their respective counsel, Sean Anderson, Acting Legal Officer, counsel for the government, and Benjamin A. Gerson, Assistant Federal Defender, counsel for the defendant, WILSON LEE, hereby stipulate and jointly move this Court to rescind fees in the amount of \$100.00 assessed against Mr. Lee for non-appearance on January 12, 2021.

Mr. Lee was issued a bailable citation for a permit violation. After consultation with the undersigned defense attorney Mr. Lee elected to appear before the U.S. District Court in Yosemite. His original appearance date was scheduled for November 17, 2020. However, many cases scheduled for that day were administratively rescheduled. Mr. Lee's case was ultimately rescheduled to January 12, 2021, and when he did not appear a fee of \$100.00 was assessed pursuant to F.R.Cr.P. 58. The rescheduled court date was not effectively transmitted to Mr. Lee. See Exhibit A (attorney communication, submitted under separate cover). The undersigned defense attorney accepts responsibility for the error. On February 19, 2021, Mr. Lee paid the

1 collateral forfeiture amount of \$280.00 to resolve the citation.

2 Mr. Lee now moves the court to dismiss the \$100.00 fee assessed as a result of his non-
3 appearance on January 12, 2021. Mr. Lee failed to appear through no fault of his own. The
4 Government joins Mr. Lee's motion.

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6 Respectfully submitted,

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8 MCGREGOR SCOTT
United States Attorney

9 Dated: February 19, 2021

10 /s/ Sean Anderson
Sean Anderson
Acting Legal Officer
National Park Service
Yosemite National Park

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13 Dated: February 19, 2021

14 HEATHER E. WILLIAMS
Federal Defender

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16 /s/ Benjamin A. Gerson
BENJAMIN A. GERSON
Assistant Federal Defender
Attorney for Defendant
WILSON LEE

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19 O R D E R

20 Upon review and finding good cause, the Court GRANTS the parties' Joint Motion to
21 Rescind Fees for Non-Appearance (Doc. No. 8) and ORDERS as follows:

- 22 1. The \$100.00 fee assessed in case no. 6:20-po-00620-HBK is rescinded.
23 2. The Clerk shall recall the warrants (Docs. Nos. 6, 7) in this case.
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25 IT IS SO ORDERED.

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27 Dated: February 21, 2021

28 Helena M. Barch-Kuchta
HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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